

Board of Supervisors Regular Meeting

June 14, 2021 | 7:00 p.m.

PRESENT

- TOM TOSTI, Chairperson }
- ANNA PAYNE, Vice Chairperson }
- DAWN QUIRPLE, Secretary } Board of Supervisors
- AMY STROUSE }
- MIKE KSIAZEK }
- STEPHANIE TEOLI KUHLs, TOWNSHIP MANAGER
- JAMES J. ESPOSITO, ESQ., TOWNSHIP SOLICITOR
- ISAAC KESSLER, P.E., TOWNSHIP ENGINEER

1. Call to Order, Pledge of Allegiance, and Roll Call.

Mr. Tosti called the meeting to order at 7:00 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. All Supervisors were in attendance along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Isaac Kessler and department directors.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting – Monday, July 12, 2021 @ 7:00 p.m.

- b. Middletown Community Foundation Scholarship Presentations.

Ms. Paula Kearns, Executive Director, Middletown Community Foundation presented scholarships to the following recipients: Kacie Sienko, Becky Marseglia Scholarship; Michael Jon Murray, Richard L. Tosti Scholarship; Sameer N. Raval, John Burke Scholarship; Ryan Schoenemann. All four are students at Neshaminy HS and residents of Langhorne.

- c. Eagle Scout Commendation – no attendance.

- d. Retirement Recognition

The following officials presented citations to Bernadette Frisch on her retirement after 30 years of service to Middletown Township: Kyle Melander, District Director from Rep. Brian Fitzpatrick’s office Nick Diasio, Constituent Outreach Specialist, Sen. Tommy Tomlinson’s office and Dawn Quirple, Rep. Tina Davis.

Stephanie Teoli Kuhls, Township Manager and Tom Tosti, Chairperson both congratulated Ms. Frisch on her years of service to Middletown Township and all the tremendous work she has accomplished during her tenure.

e. Police Department Commendations

Chief Joe Bartorilla presented commendations to the following: Sgt. Michael Russo and Squad C., Officer Adam Bradley and Officer Mary Alice Felt & K9 Fitz.

3. Public Comment. Non-Agenda Items only. (Maximum 30 minutes)

Andy Warren, 294 Shady Brook Lane questioned the population size of Middletown Township, the total number of Township Boards & Commissions and the compensation & qualifications to be a board and commissions member.

Steve Hainze, 323 Elmwood Avenue, expressed concern about the condition of undedicated roads ("paper streets") and requested consideration of becoming a dedicated road. Mr. Tosti requested a report from Department of Public Works of all paper streets.

Joyce Martindell, 738 W. Maple Avenue & Donna Lorenz, 716 W. Maple Avenue, raised concerns about golf balls from Middletown Country Club onto both of their properties. Mr. Tosti noted that the Township will speak to the golf course.

Jillian Aaronson, 353 Wisteria Avenue, noted general concern about the safety of paper streets, specifically Elmwood Avenue.

Sheldon Post, 31 Rockwood Road, commented that the meeting broadcasting has had garbled sound and/or no sound at times. Mr. Post also cited traffic concerns at potential Chik Fila site.

4. Consent Agenda Items.

Mr. Tosti read the following consent agenda items into record:

- a. Consideration of authorizing payment of June 14, 2021 Bill List in the amount of \$2,838,461.58.
- b. Consideration of approving the May 3, 2021 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of approving Escrow Release #1 in the amount of \$2,135.50 to Rich Beaumont for 1222 W. Lincoln Highway Land Development.
- d. Consideration of approving Final Escrow Release in the amount of \$7,103.60 for the Newtown Friends Land Development.
- e. Consideration of approving Final Escrow Release in the amount of \$11,615.73 for Lakeview Estates.
- f. Consideration of enacting Resolution #21-18R Traffic Signal Maintenance Agreement - TE-160 for the New Falls Road Sidewalk Project.
- g. Consideration of authorizing a Change Order to the 2021 Road Improvement Program in the amount of \$62,424 for the Styers Market parking lot.
- h. Consideration of authorizing the closing of the Emergency Declaration for COVID-19.
- i. Consideration of approving Resolution #21-19R recognizing June as Pride Month in Middletown Township.

- j. Consideration of approving Resolution #21-20R recognizing Juneteenth as a Township Holiday.
- k. Consideration of enacting Resolution #21-21R authorizing submission of a grant to the Office of the State Fire Commissioner.
- l. Consideration of authorizing approval of Payment #4 for the Langhorne Gables Drainage Improvement Project in the amount of \$74,249.70.

Action: Mr. Ksiazek moved to approve consent agenda Items A-L as listed above; seconded by Ms. Strouse.

Public Comment:

Andy Warren, 294 Shady Brook Lane, questioned the original 2021 Road Improvement Program contract amount. Mr. Warren questioned what will the additional cost to add Juneteenth as a Township Holiday.

Motion carried by a vote of 5-0.

- 5. Consideration of Preliminary and Final Land Development for two Proposed Independent Living Apartment Buildings, Pennswood Village, 1382 Langhorne-Newtown Road, Newtown, PA 18940, RC Retirement Community Zoning, S/LD 21-02.

Mr. Edward Murphy, the applicant's attorney, introduced the project which is located at 1385 Langhorne-Newtown Road, located in the RC Zoning District. The applicant proposes to demolish some existing parking lots and construct two (2) new independent living 'apartment' buildings and three (3) additions to the existing Health Care Center. Also included are modifications to the driveways, grading, utilities, erosion control and upgrades to the existing stormwater management facilities.

Mr. Murphy discussed the township's review letters and stated that the development team would agree to the comments and comply with the letters. One exception would be a waiver request for the drop off Cul-de-sac of less than the required 40' radius. He did agree to enlarge the drop off from the 30' shown on the plans to as close to 40' as they practically can fit into this space.

This plan was reviewed by the Middletown Township Planning Commission at their June 2, 2021 meeting and received a recommendation for conditional approval for the Preliminary/Final Land Development Plan. A condition of their recommendation was for the applicant to investigate the improvement of the pedestrian pathway connections between the bus stop at the front of the site and the buildings on the campus.

Ms. Strouse questioned the sidewalk extension. Mr. Murphy confirmed that the extensions will be completed.

Action: Ms. Quriple moved to grant Preliminary/Final Land Development Plan approval for Pennswood Village, 1382 Langhorne-Newtown Road, S/LD #21-02, with the following conditions:

- 1. Applicant shall comply in full with all requirements of the Middletown Township subdivision and land development ordinance and the Middletown Township zoning ordinance, unless relief was granted by the body having jurisdiction.*
- 2. Any remaining review comments shall be addressed in full.*
- 3. The applicant shall investigate the opportunity to improve the pedestrian pathway connections for multimodal transportation.*

Seconded by Mr. Tosti; Motion carried by a vote of 5-0.

6. Consideration of Amended Preliminary and Final Land Development for Provco Pinegood Middletown, LLC, proposed WAWA, 639 East Lincoln Highway, Langhorne, PA 19047, C Commercial Zoning District, S/LD #18-12.

Mr. Edward Murphy, the applicant's attorney, introduced the project which is located at 639 East Lincoln Highway, located in the C Zoning District. Construction of a new Wawa convenience store and gas station is ongoing for this site, which was approved at the September 3, 2019 Board of Supervisors Meeting. The amended plan proposes to add drive-thru lanes and a pickup window for the convenience store. The project will include the regrading of some paved areas, relocated lighting, additional landscaping, and minor storm sewer revisions.

Mr. Murphy noted that this plan was reviewed by the Middletown Township Planning Commission at their June 2, 2021 meeting and received a recommendation for approval for the amended Preliminary and Final Land Development Plan.

Mr. Tosti was concerned about pedestrians moving from parking lot and crossing drive through lane to get into the building. Mr. Mike Closs, Project Engineer at Wawa, responded that they had an idea to add bollards to keep pedestrians safe. It was confirmed that the drive through menu is limited.

Ms. Strouse followed up Mr. Tosti pedestrian's concern with the five-foot break in the landscaping at the drive through. Ron Closs confirmed that they break us for drainage and that a fence will be added.

Action: Ms. Strouse made a motion to grant Amended Preliminary/Final Land Development Plan approval for Provco Pinegood Middletown, LLC, for the addition of a drive-thru and pick-up window at the proposed Wawa Food Market at 639 East Lincoln Highway, S/LD #18-12, with the following conditions:

- 1. Applicant shall comply in full with all requirements of the Middletown Township subdivision and land development ordinance and the Middletown Township zoning ordinance, unless relief was granted by the body having jurisdiction.*
- 2. Any remaining review comments shall be addressed to the satisfaction Township Engineer to consider the amended plan complete.*

Seconded by Ms. Payne. Motion carried by a vote of 5-0.

7. Consideration of awarding Sign Program Phase 2 Bid to Quality Services Plus of Bristol, PA at a cost of \$110,500.

Nick Valla, Assistant Township Manager, explained that the Board of Supervisors authorized advertisement of a bid package for Phase 2 of the Neighborhood Sign Program on April 5, 2021. Phase 2 will add signs in the same style as the Phase 1 signs installed in 2019. Bidding occurred from May 7 to June 7, 2021, with a mandatory pre-bid meeting held on Monday, May 17. Ads were published on May 7 and May 14, 2021. The firm awarded for Phase 1 did not bid.

Mr. Valla noted that Quality Services Plus (QSP), based in Bristol, PA, submitted the lowest bid. Their cost per sign is comparable to that of Phase 1, with a slight cost reduction for the park signs. With QSP, the Township will be paying \$1,650 for each neighborhood sign and \$2,000 for each park sign. Phase 2 signs are expected to be installed by the end of fall 2021.

Phase 2 will include a total of 64 signs: 50 neighborhood signs and 14 park signs. Bids include fabrication and delivery.

Mr. Valla stated that this project is budgeted in the 2021 Capital Plan for \$125,000. Public Works staff will complete the install to reduce the overall project cost. Phase 2 signs will be the same as Phase 1, with modest improvements to reflectivity and readability of lettering.

Action: Ms. Quirple, award the bid for Phase 2 of the Neighborhood Sign Program to Quality Services Plus in an amount not to exceed \$110,500, seconded by Mr. Ksiazek.

Public Comment:

Sheldon Post, Red Rose Gate, expressed that he is in favor of the sign program and questioned if the Phase 1 signs can be retrofitted to improve the reflectivity of the signs.

Mr. Post also commended and thank the Board of Supervisors and Township employees for the hard work over the 15 months.

Motion carried by a vote 5-0.

8. Consideration of authorizing Phase 2 of the Municipal Building Generator Project for cost not to exceed \$90,000.

Lisa L. Berkis, Special Projects Manager, explained that the Municipal Center is equipped with a standby generator that provides emergency power to the building in the event of a power outage. In 2001 when the Municipal Center was built, only a few areas in the building were wired to the generator. The server room, some areas in the Police Department and a few outlets in the Manager's office receive emergency power. The remainder of the building goes dark when the

power goes out. In contrast, the entire Public Works building receives power from its emergency standby generator.

After a preliminary evaluation of circuits in the building, this project will add all lighting and electrical receptacles in the Police Department, Administrative Offices and Public Hall to the emergency generator. The three split system air conditioners, all WIFI access points, the building swipe access system, surveillance cameras and a fire sprinkler pump for the fire system will be added to the emergency generator so they remain operational during a power outage. The air handlers from main building HVAC system will also be added so that air circulation is maintained throughout the building when PECO power is down.

Tangibl Consulting, a professional electrical engineering firm is the consultant providing design specifications and technical assistance for this project. The Public Works Dept. will be providing the labor for this project doing cable runs, installing conduit, a transfer switch, electrical boards and making any necessary modifications. The parts required for this project will be sourced from local vendors regularly used by the Public Works Dept. or purchased through the CoSTARS cooperative purchasing program.

Ms. Berkis noted that \$95,000 has been budgeted in the 2021 Capital Budget for this project.

Action: Mr. Tosti moved to made the motion to authorize the Phase II Generator Project in the amount of \$90,000.00; seconded by Ms. Payne.

Public Comment:

Andy Warren, Shadybrook Drive, questioned why not increase motion to \$95,000.

Motion carried by a vote of 5-0.

9. Consideration authorizing purchase of Dump Truck (with cab and chassis) from Bucks County International of Langhorne, PA and Body (with plow and accessories) from H.A. DeHart & Son of Thoroughfare, NJ at a total cost of \$173,021.

Eric Gartenmayer, Public Works Superintendent, explained that the Department of Public Works researched the PA State Contract Costars list for items that would best serve the Department and the above items meet Public Works criteria.

Mr. Gartenmayer explained that RDA funding covers 85% of cost replacing a 2006 International. Mr. Gartenmayer confirmed that there are funds in the Capital Fund were allocated for this purchase in the 2021 Budget.

Action: Mr. Ksiazek moved to make the motion authorize the purchase of one (1) 2021HV507 SFA Dump Truck cab and chassis, from Bucks County International of Langhorne, PA in the amount of \$93,937, one (1) galion steel dump body, (1) plow, and (1) spreader from H.A. DeHart & Son Thoroughfare, NJ in the amount of \$79,084 for a total of \$173,021; seconded by Ms. Strouse. Motion carried by a vote of 5-0.

10. Consideration of authorizing purchase of EXMARK mower from Star Lawn Mower Inc. of Jamison, PA at a cost of \$32,634.

Eric Gartenmayer, Public Works Superintendent, explained that the Department of Public Works researched the PA State Contract Costars list for items that would best serve the Department and the above items meet Public Works criteria.

Mr. Gartenmayer, confirmed that the funds in the Capital Fund were allocated for this equipment in the 2021 budget and is under budget.

Action: *Mr. Ksiazek moved to authorize the purchase of one (1) EXMARK 96 37hp mower from Star Lawn Mower Inc., Jamison, PA for a total of \$32,634; seconded by Ms. Payne. Motion carried by a vote of 5-0.*

11. Consideration of awarding a contract to K. E. Seifert, of Langhorne in the amount of \$11,025 for the replacement of the Municipal Building Hot Water Heater.

Patrick J. Ennis, Director of Building & Zoning, explained that the Township's existing hot water heater in the Municipal Building is 20 years old and is original to the building. Currently there is a progressively worsening leak due to the age and condition of this heater. This contract will be to install a new hot water heater and connect the electric, water and gas to the new equipment. All demolition work will be done by DPW staff.

Mr. Ennis noted that the project will be funded from the Public Works Capital Road Fund.

Action: *Mr. Tosti move to award a contract to K. E. Seifert, of Langhorne in the amount of \$11,025 for the replacement of the Municipal Building Hot Water Heater; seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

12. Consideration of rejecting all bids for the Community Park Barn Roof Project.

Paul Kopera, Director of Parks and Recreation, noted that at the January 19, 2021 meeting, the Board authorized the submission of bids for asphalt shingle roof and gutters on the Barn. At the April 19th Meeting, the Board rejected the seven bidders because no firm met the Township's Responsible Contractor Ordinance. The project was rebid and at the May 26th opening, the bid submitted by the sole bidder (Hulton Contracting) did not meet the Township's Responsible Contractor Ordinance.

Mr. Kopera noted that the seven rejected bids from the April opening were provided to the Board in their packets.

The 2021 Capital Budget includes \$99,000.00 in improvements for Middletown Community Park and of that amount, \$65,000.00 was planned for the new roof and gutters on the Barn.

Action: *Mr. Tosti moved to reject the bid to replace the asphalt shingle roof gutters on the Barn building at Middletown Community Park; seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

13. Consideration of rejecting all bids for the Cleaning Bid and authorizing re-release of the bid.

Lisa Berkis, provided an overview of the project, noting that the Board of Supervisors authorized a bid for cleaning services in April of 2021. Bids were due on May 11, 2021 and were opened by township staff.

Ms. Berkis noted that three bids were received ranging from \$29,640 to \$52,000. Upon inspection of the responses, staff determined that there was a need to provide greater clarification in the bid specifications regarding the services requested. There was specifically some concern that all bidders were not aware of the amount of time necessary to complete the tasks requested. As a result, staff is recommending that all bids be rejected and that we re-bid the service.

Ms. Berkis noted that the 2021 Budget currently has \$28,990 allocated for cleaning services.

Amy Strouse commented on restructuring the bid incorporating the latest science on sanitizing.

Action: *Mr. Tosti moved to reject all bids for Cleaning Services for the Municipal Center and Public Works Building and authorize rebidding, seconded by Ms. Payne. Motion carried by a vote of 5-0.*

14. Update on US Route 1 Project.

Ms. Teoli Kuhls provided a brief update on the U.S. 1 Improvements Project, noting that PennDOT has recently made live a section of their website dedicated to the Phase III project design stage, analyzing various alternatives and seeking public input at this time.

Ms. Teoli Kuhls noted that Phase III extends roughly from the US 1 bridge towards the interchange at Maple Ave. She provided a slide of the proposed building alternative which would remove the concrete islands, add paved shoulders and concrete barriers.

Ms. Teoli Kuhls provided slides on the following alternatives and noted that PennDOT is still in the designing Phase and all residents that could be impacted should wait until final design phase to provide feedback.

Ms. Teoli Kuhls explained that PennDOT is currently in preliminary engineering stage currently until the end of 2021, in which they will move to final design and right of way access in early 2022. She noted that there will be public meetings held and time for feedback. She encouraged residents to go to the following PennDOT website and watch the presentation. At that time, residents can provide feedback. Website: <https://www.us1bucks.com/section-rc3/>. Feedback is requested by July 2, 2021.

Ms. Teoli Kuhls noted that PennDOT would like the Board of Supervisors' input on road frontage and access roads, as well as proposed use of not needed areas, which potentially could be used for trails. Ms. Teoli Kuhls reminded the Board of Supervisors that the frontage road paralleling US-1 in both directions is a Township-owned road.

Ms. Teoli Kuhls has requested the Park & Recreation Department to look into. Tom Tosti, suggested incorporating bike lanes on some of the access roads. Mr. Tosti thanked Ms. Teoli Kuhls for her presentation.

Public Comment: A Langhorne Manor resident was concerned about the time frame that they will be notified if their property will be impacted. Ms. Teoli Kuhls requested that the resident provide her their name and contact number so she could provide them a contact at PennDOT.

15. Consideration of accepting the resignation of Kieran Hastings from the Zoning Hearing Board.

Action: Mr. Tosti moved to accept the resignation of Kieran Hastings from the Zoning Hearing Board; seconded by Mr. Ksiazek. Motion carried by a vote of 5-0.

16. Consideration of appointing Kevin Strouse to the Township Zoning Hearing Board.

Action: Mr. Tosti moved to appoint Kevin Strouse to the Zoning Hearing Board; seconded by Ms. Payne. Ms. Strouse abstained. Motion carried by a vote of 4-0-1.

17. Consideration of appointing Javon Smith to the Human Relations Commission.

Action: Ms. Payne moved to appoint Javon Smith to the Human Relations Commission; seconded by Ms. Quirple. Motion carried by a vote of 5-0.

18. Other public comment. (Only applicable if initial Public Comment period exceeds the 30-minute time limit.)

None.

19. Other Business.

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session and discussed ongoing litigation matters.

Ms. Payne, requested an update on the parking of trucks at the Oxford Valley Mall. Ms. Teoli Kuhls provided an update that the Township is working with the Oxford Valley Mall to reduce the impact of the trucks to the surrounding area.

Ms. Strouse, expressed a reminder to all Township residents that there is essentially no place legally in the Township where fireworks can be discharged.

Mr. Tosti, announced that there will be a vaccination site on July 1, 2021 at the Foxwood Manor from 5:00 p.m. to 7:00 p.m. All Township residents encouraged to attend if not yet vaccinated.

Mr. Tosti thanked Township staff for the AAA Bond Rating, which is saving the tax payers almost \$300,000 with the Township debt refinancing.

Mr. Tosti also congratulated all 2021 graduates.

20. Adjournment.

Action: Mr. Tosti moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:38 p.m. Mr. Ksiazek. seconded. Motion carried by a vote of 5-0.